

REMARKS

In this Amendment, Applicants have cancelled Claims 23 – 25 and 37 – 55 without prejudice or disclaimer, amended Claims 26 – 28, 30 and 36, and added new Claims 57 – 68. Claims 26 – 28, 30 and 36 have been amended and Claims 57 – 58 have been added to specify different embodiments of the present invention and overcome the rejection. It is respectfully submitted that no new matter has been introduced by the new and amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 25, 29 – 32, 38 and 55 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the currently presented amendments clearly point out and define the embodiment of the present invention. More specifically, Claim 25 has been cancelled. Claims 57 and 59 have been added to depend on allowable Claim 26 and 27, respectively. Applicants respectfully submit that these claims clearly define that when the ratio of S and R is 1.0, the crystalline base is a racemic crystalline base. The scopes of the claims are clear to a person of ordinary skill in the art. In addition, Claim 28 has been amended to specify the single- or multi-component solvent, which provides antecedent basis for Claim 29. In Claim 30, C₄ has been clarified as an ester with more than four carbon atoms. It is respectfully submitted that Claims 31 and 32 have antecedent basis for ester in Claim 30. Finally, Claims 38 and 55 have been cancelled.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claim 23 has been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Bogeso et al. (US 4,943,590), hereinafter Bogeso.

Applicants traverse the rejection and respectfully submit that the rejection is incorrect and the present-claimed invention is not anticipated by the cited reference. More specifically, Claim 23 has been cancelled without prejudice or disclaimer.

Therefore, the newly presented claims are not anticipated by Bogeso and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 23 – 25 and 28 – 55 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bogesco et al. (US 4,650,884) in view of Norris, Experimental Organic Chemistry (1924, page 3). Claims 37 – 38 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Bogesco.

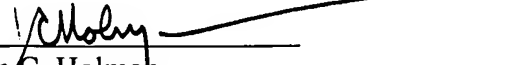
Applicants traverse the rejection and respectfully submit that the embodiments of present-claimed invention are not obvious over the cited references. More specifically, Claims 23 – 25 and 37 – 55 have been cancelled without prejudice or disclaimer. The rejection to these claims is moot. In addition, Claims 28 – 36 and new Claims 56 – 68 include the features of allowable Claims 26 – 27.

Therefore, the pending claims are not obvious over the cited references. The rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,
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